

FILED

SEP 26 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00668 CW (DMR)
Plaintiff,)	
v.)	DETENTION ORDER
CHARLIE OKIGBO, JR.,)	
Defendant.)	

I. DETENTION ORDER

Defendant Charlie Okigbo, Jr. is charged in an indictment a violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C) (possession with intent to distribute methamphetamine) and 18 U.S.C. § 922(g)(1) (felon in possession of a firearm and ammunition). On September 22, 2011, the United States moved for Mr. Okigbo's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). At Defendant's request, Pretrial Services prepared a criminal record report rather than a full bail study at this time. At the September 26, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of

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1 counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present
2 information by proffer or otherwise), and retained his right to raise any additional relevant
3 information at a later hearing. The Court notes that Mr. Okigbo currently is subject to a state
4 parole hold.

5 After considering the limited information available to the Court, and the factors set forth
6 in 18 U.S.C. § 3142(g), the Court detains Mr. Okigbo as a danger to the community and finds
7 that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
8 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
9 1403, 1406 (9th Cir. 1985).

10 II. CONCLUSION

11 The Court detains Mr. Okigbo at this time. Because Defendant waived his right to
12 present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information
13 at a later hearing, the Court orders that the hearing may be reopened at Defendant's request at any
14 future time.

15 Defendant shall remain committed to the custody of the Attorney General for
16 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
17 serving sentences or being held in custody pending appeal. Defendant shall be afforded
18 reasonable opportunity for private consultation with counsel. On order of a court of the United
19 States or on request of an attorney for the Government, the person in charge of the corrections
20 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the
21 purpose of an appearance in connection with a court proceeding.

22 IT IS SO ORDERED.

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25 DATED: September 26, 2011



DONNA M. RYU
United States Magistrate Judge